

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**LEAGUE OF WILDERNESS
DEFENDERS/BLUE MOUNTAINS
BIODIVERSITY PROJECT,**

Plaintiff,

v.

**UNITED STATES FOREST SERVICE and
KENT CONNAUGHTON**, Regional
Forester, Pacific Northwest Region of the U.S.
Forest Service, in his official capacity,

Defendants.

Case No. 3:10-CV-01397-SI

**OPINION AND ORDER ON MOTION
FOR PARTIAL VACATUR**

SIMON, District Judge.

In an Amended Opinion and Order, this Court granted in part the League of Wilderness Defenders/Blue Mountains Biodiversity Project's ("LOWD" or "Plaintiff") motion for summary judgment against the U.S. Forest Service and its Regional Forester for the Pacific Northwest Region (collectively, "Forest Service" or "Defendant"). *League of Wilderness Defenders/Blue Mountains Biodiversity Project vs. U.S. Forest Serv.*, --- F. Supp. 2d ----, 2012 WL 3255083 (D. Or. Aug. 10, 2012). The Court held that the Forest Service acted arbitrarily and capriciously, in violation of the Administrative Procedure Act ("APA"), by insufficiently analyzing the cumulative impacts of its proposed action as required by the National Environmental Policy Act, 42 U.S.C. § 4321, *et seq.* ("NEPA"). LOWD now moves the Court to vacate in part the Forest

Service's decision (Doc. No. 67). For the reasons that follow, the Court GRANTS Plaintiff's motion for partial vacatur.

BACKGROUND

In 2010, the Forest Service issued a Final Environmental Impact Statement ("Project FEIS"), evaluating a new management plan for controlling invasive plant species in the Wallowa-Whitman National Forest ("Forest"). The Project FEIS recommended increasing the use of herbicides on the Forest, and the Forest Service adopted that recommended approach in a subsequent Record of Decision ("Project ROD"). Before the Project ROD was adopted, the Forest Service managed invasive plants in the Forest primarily through mechanical and manual treatment methods. The use of herbicides was only allowed when other treatments proved ineffective and only on sites identified during environmental assessments of the Forest conducted in 1992 and 1994. The Project ROD, in contrast, approved the use of newer herbicides, and it allowed the use of herbicides (subject to some restrictions) as a first line of defense wherever invasive species were found in the Forest.

LOWD challenged the Project ROD, as well as the Project FEIS on which it was based. The Court agreed with LOWD that the Project FEIS did not adequately consider the cumulative impacts of the proposed action as required by NEPA. LOWD now asks the Court to vacate part of the Project ROD while the Forest Service undertakes a proper cumulative impacts analysis on remand. Specifically, LOWD requests vacatur of the portions of the Project ROD that authorize the use of herbicides on land within the Forest where the use of herbicides was not authorized under the prior management direction. Such a partial vacatur would allow the continued use of herbicides on lands identified during the 1992 and 1994 environmental assessments, including

the use of the newly approved herbicides, and it would allow the Forest Service to combat invasive species on other lands within the Forest using any means other than herbicides. The Forest Service opposes vacatur, whether partial or complete, arguing that remand without vacatur is a sufficient remedy.

DISCUSSION

I. Legal Standards for Vacatur and Partial Vacatur

When a court determines that an agency's decision was unlawful under the APA, vacatur is the standard remedy. *See* 5 U.S.C. § 706(2)(A) ("The reviewing court *shall* ... *set aside* agency action, findings, and conclusions found to be ... arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law[.]" (emphasis added)); *Se. Alaska Conservation Council v. U.S. Army Corps of Eng'rs*, 486 F.3d 638, 654 (9th Cir. 2007) ("Under the APA, the normal remedy for an unlawful agency action is to 'set aside' the action."), *rev'd on other grounds sub nom. Coeur Alaska v. Bonneville Power Admin.*, 557 U.S. 261 (2009); *Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1405 (9th Cir. 1995) ("Ordinarily when a regulation is not promulgated in compliance with the APA, the regulation is invalid."); *accord Am. Bioscience, Inc. v. Thompson*, 269 F.3d 1077, 1084 (D.C. Cir. 2001) (relief for APA error "normally will be a vacatur of the agency's order"); *Reed v. Salazar*, 744 F. Supp. 2d 98, 119 (D.D.C. 2010) ("default remedy" is to set aside agency action taken in violation of NEPA).

Although the Supreme Court recently cautioned courts against granting injunctive relief as a matter of course in NEPA cases, it did not question the use of vacatur as a standard remedy. *See Monsanto Co. v. Geertson Seed Farms*, --- U.S. ----, 130 S. Ct. 2743, 2761 (2010) (urging courts to employ partial or complete vacatur before considering the "drastic and extraordinary"

relief of injunction); *Sierra Club v. Van Antwerp*, 719 F. Supp. 2d 77, 78 (D.D.C. 2010) (“While the U.S. Supreme Court made clear in *Monsanto* that there is no presumption to other injunctive relief, ... both the Supreme Court and the D.C. Circuit Court have held that remand, along with vacatur, is the *presumptively appropriate remedy* for a violation of the APA.” (emphasis added; citation omitted)). Nor do the cases cited by the Forest Service cast any doubt on the appropriateness of vacating agency decisions that violate the APA. *See, e.g., Alvarez v. Smith*, 558 U.S. 87 (2009) (discussing vacatur of lower court’s decision pursuant to 28 U.S.C. § 2106, not the APA); *U.S. Bancorp Mortg. Co. v. Bonner Mall P’ship*, 513 U.S. 18 (1994) (same); *Webster v. Doe*, 486 U.S. 592 (1988) (district court should not have vacated agency decision where APA and underlying statute precluded judicial review).

Vacatur is not, however, required. *Cal. Communities Against Toxics v. U.S. Env’tl. Prot. Agency*, --- F.3d ----, 2012 WL 3038520, at *2 (9th Cir. July 26, 2012) (per curiam). When equity demands, a court may elect not to vacate an illegal agency decision on remand. *See Humane Soc’y v. Locke*, 626 F.3d 1040, 1053 n.7 (9th Cir. 2010) (“*In rare circumstances*, when we deem it advisable that the agency action remain in force until the action can be reconsidered or replaced, we will remand without vacating the agency’s action.” (emphasis added)); *Ctr. for Food Safety v. Vilsack*, 734 F. Supp. 2d 948, 951 (N.D. Cal. 2010) (“[T]he Ninth Circuit has only found remand without vacatur warranted by equity concerns *in limited circumstances*, namely serious irreparable environmental injury.” (emphasis added)).

To determine whether vacatur would be appropriate in a given case, the Ninth Circuit recently adopted the standard described in *Allied-Signal, Inc. v. U.S. Nuclear Regulatory Comm’n*, 988 F.2d 146 (D.C. Cir.1993). Under the *Allied-Signal* standard, “[w]hether the

agency action should be vacated depends on how serious the agency's errors are 'and the disruptive consequences of an interim change that may itself be changed.'" *Cal. Communities Against Toxics*, 2012 WL 3038520, at *2 (quoting *Allied-Signal*, 988 F.2d at 150-51). That is, courts may decline to vacate agency decisions when vacatur would cause serious and irreparable harms that significantly outweigh the magnitude of the agency's error.

Only in a handful of cases has the Ninth Circuit declined to vacate agency decisions that did not comply with NEPA. In *California Communities Against Toxics*, the Ninth Circuit held that the EPA made both procedural and substantive errors in its rulemaking process regarding the construction of a new power plant in California. The procedural errors were technical and harmless; although the Ninth Circuit was more concerned about the substantive error, it noted that the EPA offered new reasoning in its briefing that might cure the defect on remand. More importantly, the Ninth Circuit believed that vacating the EPA's rule in the interim would result in significant public harms: the region was in dire need of more energy sources, and "halting the billion-dollar venture employing 350 workers" would be "economically disastrous." *Id.* at *3. Applying the *Allied-Signal* standard, the Ninth Circuit declined to vacate the agency decision and allowed construction to go forward while the EPA corrected the errors on remand, although the court made clear that the power plant could not commence operation until the new, valid EPA rule was in place.

The *Allied-Signal* approach accords with earlier Ninth Circuit cases as well. In *Idaho Farm Bureau*, the Ninth Circuit held that the U.S. Fish and Wildlife Service, in listing the Springs Snail as endangered, technically erred in not making a provisional report available to the public before the close of the comment period. 58 F.3d at 1402-04. Based on that error, the

district court had vacated the rule listing the snail as endangered, but the Ninth Circuit concluded that such a remedy was not appropriate “[i]n the present case” because “concern exists regarding the potential extinction of an animal species.” *Id.* at 1405. That is, the Ninth Circuit determined that the procedural error was minor and unlikely to alter the agency’s final decision, while vacating the rule in the interim would risk extinguishing a species.

Similarly, in *Western Oil & Gas v. U.S. Environmental Protection Agency*, 633 F.2d 803 (9th Cir. 1980), the Ninth Circuit did not vacate pollution reduction designations under the Clean Air Act. Although the EPA had failed to provide an adequate notice and comment period, the Ninth Circuit wanted “to avoid thwarting in an unnecessary way the operation of the Clean Air Act in the State of California during the time the deliberative process is reenacted.” *Id.* at 813. In particular, the court hoped to “minimize[e] any frustration of the purposes of the Clean Air Act Amendments of 1977,” which had set strict new deadlines for regulating air pollution, by avoiding a gap in regulation while the EPA corrected its rulemaking procedure. *Id.* Notably, the plaintiffs in *Western Oil & Gas*, who had challenged the EPA’s rulemaking, agreed with the court that the existing designations should remain in place during remand. *Id.* at 812.

These cases are noteworthy for the significant disparity between the agencies’ relatively minor errors, on the one hand, and the damage that vacatur could cause the very purpose of the underlying statutes, on the other. This disparity distinguishes these cases from the one presently before the Court.

II. Application of *Allied-Signal* Factors

A. *Seriousness of Agency's Errors*

The Forest Service describes its inadequate cumulative impacts analysis as a “limited procedural error.” *See, e.g.*, Defs.’ Resp. Pl.’s Request 10 (Doc. No. 81-1). In its briefing and declarations, the Forest Service presumes that revising the cumulative impacts analysis is a formality that will not alter its ultimate conclusion. The Court does not share this view. Precisely because the cumulative impacts discussion was inadequate in the Project FEIS, this Court cannot accept the Forest Service’s representations that there will be no significant cumulative impacts from this project. The Forest Service cannot use declarations before this Court to relitigate the summary judgment motions or to substitute for the missing analysis in the Project FEIS. Nor is it appropriate for the Court to defer to the agency’s expertise when formulating remedies. *See Sierra Forest Legacy v. Sherman*, 646 F.3d 1161, 1185-86 (9th Cir. 2011).

More importantly, the Forest Service’s argument overlooks the integral role of cumulative impacts analysis in fulfilling the purpose of NEPA. NEPA “declares a broad national commitment to protecting and promoting environmental quality,” a commitment it furthers by forcing agencies to consider the environmental consequences of their actions. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348-50 (1989). Cumulative impacts analysis is at the heart of this process, and a failure to analyze cumulative impacts will rarely—if ever—be so minor an error as to satisfy this first *Allied-Signal* factor. It is not so minor in the present case, and the first factor points decidedly towards vacatur.

B. Disruptive Consequences

The Forest Service has compiled a long list of potential harms it believes will flow from even a partial vacatur of the Project ROD, and it argues that these consequences are particularly disruptive. The Court finds, however, that these harms are not comparable to the disruptive consequences that weighed against vacatur in *California Communities Against Toxics*, *Idaho Farm Bureau*, and *Western Oil & Gas*. Whenever an agency is told it cannot do what it was planning to do, it will be inconvenienced and its efforts will be delayed. The consequences identified by the Forest Service are no greater than the typical inconvenience and delay that result from the vacatur of agency decisions.

The main disruption identified by the Forest Service is the inability to use herbicides to treat 17,000 acres infested with weeds during the interim period. In the Project ROD, the Forest Service explained why the prior management policy, which de-emphasized herbicide use, had proven ineffective. This Court found that explanation to be reasonable. LOWD also recognizes the ecological threat posed by aggressive weeds, which is why it does not seek total vacatur. But continued restrictions on herbicide use for another year or two, while the Forest Service completes the required cumulative impacts analysis, will not tie the hands of the Forest Service entirely. Those 17,000 acres—as well as any newly identified infestations—may be treated using any and all non-chemical methods. The parties have also agreed to continued herbicide use at specific sites, as discussed in Part III below. Once the Forest Service has adopted a corrected ROD, its range of treatment options may well expand, allowing it to pursue more aggressive treatment of weeds. Unlike the extinction of a species or the authorization to construct (but not operate) a new power plant, there is no binary tipping point for this project, the

triggering of which would prevent the Forest Service from ever achieving its goal. The Court is not convinced that a delay in the full implementation of the Project ROD will permanently thwart the agency's efforts.

Some of the other consequences described by the Forest Service are even less persuasive. For example, the Forest Service argues that herbicide use is essential for protecting Macfarlane's four o'clock, a listed plant threatened by competition from invasive species. As LOWD points out, however, the U.S. Fish and Wildlife Service's Biological Opinion, developed as part of the Project FEIS and ROD decisionmaking process, noted that both "exotic plant species" *and* "herbicide and pesticide spraying" were threatening Macfarlane's four o'clock. Administrative Record 21342. Without an adequate cumulative impacts analysis, the Court cannot assume that the increased use of herbicides throughout the Forest would help more than harm Macfarlane's four o'clock and other protected plants and animals. The Forest Service also argues that granting LOWD's request would allow LOWD's members to override the interests of other stakeholders. Disappointing other stakeholders who might prefer the immediate and widespread use of herbicides, however, is neither a "disruptive consequence" of the requisite magnitude, nor a reason to excuse the Forest Service's failure to comply with NEPA, a statute designed to ensure that agency decisions take all views and environmental considerations into account—not just those of the stakeholders who support the agency's ultimate determination.

In sum, the Court does not find that vacating the Project ROD will have severely disruptive consequences. Applying the *Allied-Signal* standard, this Court believes that full vacatur would be warranted. LOWD, however, is only seeking partial vacatur, and the Court agrees that a more tailored remedy would be preferable. The second factor of *Allied-Signal* can

help inform the appropriate scope of vacatur: the disruption caused by vacatur should be minimized to the extent possible in light of the nature and scope of the agency's error. Indeed, the desire to avoid unnecessarily disruptive consequences appears to have motivated the Ninth Circuit decisions pre-*Monsanto* that encouraged tailored injunctions on remand. *See, e.g., Sierra Club v. Bosworth*, 510 F.3d 1016, 1034 (9th Cir. 2007); *Idaho Watersheds Project v. Hahn*, 307 F.3d 815, 823, 830-31 (9th Cir. 2002). Particularly as all parties agree that the control of noxious weeds is an important ecological goal, a partial vacatur is appropriate here. *See Monsanto*, 130 S. Ct. at 2761 (listing partial vacatur as appropriate remedy in NEPA cases); *Ctr. for Food Safety*, 734 F. Supp. 2d at 955 (vacating agency decision in part); *Sierra Club*, 719 F. Supp. 2d at 79 (same).

III. Scope of Partial Vacatur

The Court therefore remands the Forest Supervisor's Record of Decision dated April 2, 2010 (the Project ROD) to the Forest Service for reconsideration of the cumulative impacts analysis contained in the Wallowa-Whitman National Forest Invasive Plants Treatment Project Final Environmental Impact Statement (the Project FEIS), consistent with this Court's Amended Opinion and Order dated August 10, 2012, applicable laws, and regulations.

In addition, the Project ROD is vacated with respect to its authorization of herbicide treatments; however, the following herbicide treatments are outside of the scope of the partial vacatur and are permitted in accordance with the Project ROD, including but not limited to all project design features and buffering requirements, under this Order: (1) herbicide treatments of the approximately 5,000 acres previously mapped under the Decision Notice and Finding of No Significant Impact – Management of Noxious Weeds and Forest Plan Amendment #4, dated

April 2, 1992, and the Decision Notice and Finding of No Significant Impact – Management of Noxious Weeds, dated August 8, 1994, which are listed on Exhibit 1 attached to this Order; (2) spot and hand/select treatments of approximately 840 acres outside of Riparian Habitat Conservation Area (“RHCA”) boundaries using herbicide formulations and mixtures containing one or more of eight active ingredients—clorsulfuron, clopyralid, glyphosate (excluding the Round-up formulation), imazapic, imazapyr, metsulfuron methyl, sethoxydim, and sulfometuron—of the sites listed on Exhibit 2 attached to this Order; (3) hand/select treatments of approximately 95 acres of Japanese knotweed using herbicide formulations and mixtures containing glyphosate (excluding the Round-up formulation) at the following sites: 06160401524, 06160401525, 06160400591, 06160400743, and 06160401326; (4) hand/select treatments of approximately 12.5 acres of rush skeleton using herbicide formulations and mixtures containing clopyralid at the following sites: 06060400498, 06160400499, and 06160401373; and (5) spot and hand/select treatments of approximately 3.5 acres outside of RHCA boundaries using herbicide formulations and mixtures containing glyphosate (excluding the Round-up formulation) or metsulfuron methyl at site 06160400498.¹

Finally, the Forest Service requests that the Court stay any vacatur it orders. *See* Defs.’ Resp. Pl.’s Request 24-26 (Doc. No. 81-1). The Court concludes that a stay is not appropriate. The Forest Service may move expeditiously to correct its NEPA review if it wishes, and the consequences of vacatur are not unduly disruptive in the interim. In addition, by vacating the

¹ Although the parties provided the stipulated exclusions from the partial vacatur set forth in this paragraph in order to assist the Court in crafting an appropriate remedy, in doing so neither party has waived any appellate rights regarding this Opinion and Order, the Court’s Amended Opinion and Order of August 10, 2012, or any other matter related to these proceedings.

Project ROD only in part, the Court has taken into account the Forest Service's concerns about effective weed management in the interim period.

CONCLUSION

This case is remanded to the Forest Service for further proceedings consistent with this Opinion and Order, and the Project ROD is partially vacated as more fully set forth in Section II ("Scope of Partial Vacatur") above.

Dated this 10th day of December, 2012.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge

EXHIBIT 1**List of Weed Sites from Prior Management Regime****Forest Service Site Identification Number**

06160600030	06160100035	06160100164	06160200082	06160200131	06160200259
06160100077	06160100036	06160200001	06160200083	06160200132	06160200260
06160100078	06160100037	06160200002	06160200084	06160200133	06160200261
06160100080	06160100038	06160200007	06160200085	06160200134	06160200264
06160100081	06160100039	06160200008	06160200086	06160200135	06160200305
06160100083	06160100040	06160200009	06160200087	06160200136	06160200306
06160200287	06160100041	06160200011	06160200088	06160200137	06160200307
06160400127	06160100042	06160200012	06160200089	06160200142	06160200308
06160400128	06160100043	06160200014	06160200090	06160200143	06160400002
06160400129	06160100044	06160200015	06160200091	06160200144	06160400003
06160400130	06160100045	06160200018	06160200092	06160200145	06160400007
06160400131	06160100046	06160200019	06160200094	06160200146	06160400008
06160700164	06160100048	06160200020	06160200095	06160200148	06160400009
06160600523	06160100049	06160200021	06160200097	06160200149	06160400010
06160100285	06160100051	06160200023	06160200098	06160200151	06160400011
06160700029	06160100052	06160200024	06160200099	06160200152	06160400015
06160100001	06160100053	06160200025	06160200100	06160200163	06160400019
06160100003	06160100054	06160200026	06160200101	06160200164	06160400020
06160100004	06160100055	06160200027	06160200102	06160200167	06160400021
06160100005	06160100056	06160200030	06160200103	06160200183	06160400022
06160100006	06160100057	06160200031	06160200104	06160200194	06160400023
06160100007	06160100059	06160200033	06160200105	06160200195	06160400024
06160100008	06160100060	06160200034	06160200106	06160200196	06160400025
06160100009	06160100061	06160200036	06160200107	06160200197	06160400026
06160100010	06160100062	06160200037	06160200108	06160200198	06160400027
06160100011	06160100063	06160200038	06160200109	06160200200	06160400028
06160100012	06160100064	06160200039	06160200110	06160200201	06160400029
06160100013	06160100065	06160200040	06160200111	06160200202	06160400030
06160100014	06160100066	06160200046	06160200112	06160200203	06160400032
06160100015	06160100067	06160200050	06160200113	06160200207	06160400033
06160100016	06160100068	06160200051	06160200114	06160200208	06160400036
06160100017	06160100069	06160200066	06160200115	06160200209	06160400037
06160100018	06160100070	06160200067	06160200116	06160200211	06160400038
06160100019	06160100071	06160200068	06160200117	06160200212	06160400039
06160100020	06160100073	06160200069	06160200118	06160200213	06160400040
06160100021	06160100074	06160200070	06160200119	06160200222	06160400041
06160100022	06160100076	06160200071	06160200120	06160200240	06160400042
06160100023	06160100084	06160200072	06160200121	06160200243	06160400043
06160100024	06160100087	06160200073	06160200122	06160200245	06160400045
06160100025	06160100088	06160200074	06160200123	06160200246	06160400047
06160100026	06160100092	06160200075	06160200124	06160200247	06160400048
06160100027	06160100093	06160200076	06160200125	06160200248	06160400050
06160100028	06160100095	06160200077	06160200126	06160200249	06160400053
06160100029	06160100126	06160200078	06160200127	06160200250	06160400054
06160100030	06160100127	06160200079	06160200128	06160200251	06160400055
06160100031	06160100146	06160200080	06160200129	06160200252	06160400100
06160100033	06160100147	06160200081	06160200130	06160200256	06160400101

06160400114	06160400189	06160400267	06160400809	06160700022	06160700173
06160400126	06160400190	06160400270	06160400810	06160700023	06160700210
06160400132	06160400191	06160400271	06160400811	06160700024	06160900001
06160400133	06160400192	06160400272	06160400812	06160700025	06160900002
06160400134	06160400193	06160400273	06160400813	06160700027	06160900003
06160400135	06160400194	06160400274	06160400814	06160700028	06160900004
06160400136	06160400195	06160400275	06160400816	06160700030	06160900005
06160400137	06160400196	06160400276	06160500001	06160700031	06160900006
06160400138	06160400197	06160400277	06160500002	06160700032	06160900007
06160400139	06160400198	06160400278	06160500004	06160700033	06160900008
06160400140	06160400199	06160400280	06160500005	06160700034	06160900009
06160400141	06160400200	06160400281	06160500006	06160700035	06160900010
06160400143	06160400202	06160400282	06160500007	06160700036	06160900011
06160400144	06160400204	06160400283	06160600076	06160700037	06160900012
06160400145	06160400206	06160400285	06160600077	06160700038	06160900013
06160400146	06160400207	06160400286	06160900091	06160700039	06160900014
06160400147	06160400208	06160400288	06160900092	06160700040	06160900015
06160400148	06160400209	06160400289	06160900188	06160700041	06160900016
06160400149	06160400210	06160400290	06160900189	06160700042	06160900017
06160400150	06160400211	06160400291	06160900190	06160700043	06160900018
06160400151	06160400212	06160400292	06160900191	06160700044	06160900019
06160400152	06160400213	06160400293	06160900192	06160700045	06160900020
06160400153	06160400214	06160400294	06160500018	06160700046	06160900021
06160400154	06160400216	06160400295	06160500026	06160700047	06160900022
06160400155	06160400217	06160400296	06160500027	06160700048	06160900023
06160400156	06160400218	06160400330	06160500070	06160700049	06160900024
06160400157	06160400219	06160400331	06160600001	06160700050	06160900025
06160400158	06160400222	06160400332	06160600003	06160700051	06160900026
06160400159	06160400223	06160400333	06160600004	06160700052	06160900027
06160400160	06160400224	06160400341	06160600007	06160700053	06160900028
06160400164	06160400225	06160400342	06160600014	06160700054	06160900029
06160400165	06160400226	06160400343	06160600035	06160700055	06160900030
06160400166	06160400227	06160400344	06160600048	06160700056	06160900031
06160400168	06160400228	06160400345	06160700001	06160700059	06160900032
06160400169	06160400229	06160400346	06160700002	06160700062	06160900033
06160400170	06160400230	06160400347	06160700003	06160700064	06160900034
06160400171	06160400231	06160400348	06160700004	06160700065	06160900035
06160400172	06160400232	06160400349	06160700005	06160700067	06160900036
06160400174	06160400234	06160400351	06160700006	06160700068	06160900037
06160400175	06160400239	06160400537	06160700008	06160700069	06160900039
06160400176	06160400240	06160400538	06160700009	06160700070	06160900041
06160400177	06160400248	06160400539	06160700010	06160700071	06160900042
06160400178	06160400249	06160400542	06160700011	06160700072	06160900044
06160400179	06160400253	06160400565	06160700012	06160700160	06160900046
06160400180	06160400254	06160400573	06160700013	06160700161	06160900048
06160400181	06160400255	06160400801	06160700014	06160700162	06160900050
06160400182	06160400256	06160400802	06160700015	06160700163	06160900051
06160400183	06160400259	06160400803	06160700016	06160700166	06160900052
06160400184	06160400260	06160400804	06160700017	06160700167	06160900053
06160400185	06160400261	06160400805	06160700018	06160700169	06160900054
06160400186	06160400262	06160400806	06160700019	06160700170	06160900055
06160400187	06160400265	06160400807	06160700020	06160700171	06160900056
06160400188	06160400266	06160400808	06160700021	06160700172	06160900057

06160900058	06160900098	06160900124	06160900147	06160900174	06160900202
06160900059	06160900099	06160900125	06160900148	06160900176	06160900203
06160900060	06160900100	06160900126	06160900150	06160900177	06160900204
06160900061	06160900101	06160900127	06160900151	06160900178	06160900205
06160900062	06160900102	06160900129	06160900152	06160900179	06160900207
06160900063	06160900103	06160900130	06160900153	06160900180	06160900208
06160900064	06160900104	06160900131	06160900154	06160900181	06160900213
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06160900066	06160900106	06160900133	06160900156	06160900183	06160600531
06160900067	06160900107	06160900134	06160900157	06160900184	06160700026
06160900068	06160900108	06160900135	06160900158	06160900185	06160600541
06160900069	06160900109	06160900136	06160900159	06160900186	06160600460
06160900070	06160900110	06160900138	06160900160	06160900187	06160600540
06160900071	06160900111	06160900139	06160900161	06160900193	06160600539
06160900078	06160900112	06160900140	06160900162	06160900194	06160600050
06160900093	06160900113	06160900141	06160900163	06160900196	06160600522
06160900094	06160900114	06160900142	06160900170	06160900197	06160600538
06160900095	06160900115	06160900144	06160900171	06160900199	06160900038
06160900096	06160900122	06160900145	06160900172	06160900200	
06160900097	06160900123	06160900146	06160900173	06160900201	

EXHIBIT 2**Forest Service Site Identification Number**

06160400308	06160400370	06160400163	06160400262	06160400567	06160401068
06160400457	06160400536	06160400367	06160400264	06160401065	06160401069
06160400458	06160400167	06160400368	06160400274	06160401084	06160401270
06160400454	06160400056	06160401401	06160400277	06160600083	06160401271
06160400089	06160400006	06160401403	06160400365	06160600113	06160401285
06160400450	06160400113	06160401404	06160400386	06160600229	06160401288
06160400451	06160400242	06160401409	06160400389	06160600252	06160401305
06160400350	06160400070	06160401410	06160400390	06160600268	06160401307
06160400463	06160400465	06160401420	06160400391	06160700208	06160401316
06160400247	06160400452	06160401421	06160400392	06160900232	06160401336
06160400243	06160400461	06160401422	06160400401	06160100032	06160401385
006160200053	06160400161	06160401309	06160400408	06160100175	06160401415
06160401512	06160400238	06160401407	06160400411	06160100252	06160401441
06160401517	06160400074	06160400706	06160400412	06160100253	06160401470
06160401532	06160400241	06160401378	06160400418	06160400414	06160401477
06160401310	06160400466	06160401530	06160400420	06160400719	06160401531
06160401405	06160400237	06160401511	06160400422	06160400720	06160500080
06160400105	06160400162	06160401513	06160400427	06160400721	06160600215
06160400299	06160400082	06160401406	06160400428	06160400723	06160600724
06160400297	06160400564	06160401411'	06160400429	06160400724	06160700187
06160400298	06160400023	06160100103	06160400432	06160400737	06160700256
06160400540	06160400026	06160100110	06160400433	06160400738	06160700259
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06160400112	06160400118	06160400052	06160400437	06160401067	06160900302